

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SANDRA L. KINNEY, *et al.*,

No. C-12-4477 EMC

Plaintiffs,

RELATED TO

v.

BRISTOL-MYERS SQUIBB COMPANY, *et al.*,

No. C-12-4478 EMC
No. C-12-4615 EMC
No. C-12-4616 EMC
No. C-12-4617 EMC
No. C-12-4619 EMC
No. C-12-4633 EMC
No. C-12-4641 EMC
No. C-12-4642 EMC
No. C-12-4803 EMC

Defendants.

AND ALL RELATED ACTIONS.

**ORDER STAYING LITIGATION
PENDING DECISION BY MDL
JUDICIAL PANEL RE CONDITIONAL
TRANSFER ORDER**

Currently pending before the Court is a motion to stay filed by Defendants Bristol-Myers Squibb Co., Sanofi-Aventis U.S. LLC, Sanofi US Services Inc., and Sanofi-Synthelabo Inc. (collectively, “Defendants”). Defendants have filed this motion to stay in not only the *Kinney* case identified above but also in nine other cases that have been related to it or to the earlier *Caouette* case over which this Court presided. Defendants have asked the Court to stay proceedings in these cases pending a decision by the Judicial Panel on Multidistrict Litigation as to whether the cases – currently subject to a conditional transfer order – should be part of the Plavix MDL (MDL No. 2418) or remain with the Northern District of California.

1 For the reasons stated on the record at the April 11, 2013 hearing herein and for the reasons
2 stated by Judges Seeborg, Illston, and Henderson in their respective cases (*Aiken*, No. C-12-5208
3 RS; *Vanny*, No. C-12-5752 SI; and *Arnold*, No. C-12-6426 TEH), the Court agrees that a stay is
4 warranted. A stay will not prejudice Plaintiffs as a remand motion can just as easily be presented to
5 and decided by the transferee judge, especially where as here, the remand motion turns on, not on a
6 unique issue of state law, but instead on a question of federal law – *i.e.*, whether the claims against
7 McKesson are preempted. Moreover, a stay likely would not last long; the parties anticipate the
8 conditional transfer issue will be decided shortly after May 30, 2013. Finally, the Court agrees with
9 Judges Seeborg and Illston that “the MDL Panel’s initial concern with transfer is not the motion to
10 remand, as plaintiffs have suggested, but an issue involving CAFA, which has since been resolved.”
11 *Vanny*, No. C-12-5752 SI (Docket No. 32) (Order at 3).

12 Accordingly, the Court hereby stays proceedings in the above-referenced cases until further
13 order of the Court.

14

15

IT IS SO ORDERED.

16

17 Dated: April 12, 2013

18



19
20
21
22
23
24
25
26
27
28
EDWARD M. CHEN
United States District Judge